

FILED
12/31/2020 10:03 AM
Mary Angie Garcia
Bexar County District
Accepted By: Martha

2020CI24885

3CIT PPS

CAUSE NO. _____

OSCAR SILVA

IN THE DISTRICT COURT

Plaintiff,

v.

REPUBLIC SERVICES, INC.,
REPUBLIC SERVICES INC. D/B/A
REPUBLIC WASTE SERVICES GROUP
OF TEXAS INC., and
REPUBLIC SERVICES OF SAN ANTONIO,
LLC

Defendants.

BEXAR COUNTY, TEXAS

288th JUDICIAL DISTRICT

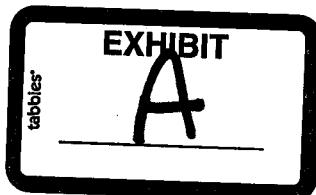
**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURES,
AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW OSCAR SILVA, (hereinafter referred to as "Plaintiff"), complaining of Defendant Republic Services Inc., Defendant Republic Services, Inc. d/b/a Republic Waste Services Group of Texas, Inc., and Defendant Republic Services of San Antonio, LLC (hereinafter referred to as "Defendants") and for a cause of action would respectfully show unto the Court as follows:

DISCOVERY

1. *Discovery Control Plan.* Pursuant to Rule 190.3 of the Texas Rules of Civil Procedure, Discovery Control Plan Level Two governs this lawsuit.
2. *Request For Disclosure.* Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose, within 50 days of service of this request, the information described in Rule 194.2 of the Texas Rules of Civil Procedure.
3. *Production of Documents Self-Authenticating.* Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, the Defendant named in this petition is hereby put on notice that your production of a document in response to written discovery authenticates the document for use against that Defendant in any pretrial proceeding or at trial.



PARTIES

4. Plaintiff Oscar Silva is a resident of the State of Texas. He currently resides in Bexar County, Texas, and he has resided there at all times material to this lawsuit.

5. Defendant Republic Services Inc. is a Texas company conducting business in Bexar County, Texas. Defendant may be served with process by serving its registered agent, Robert M. Gauss Jr., who is located at 2123 W. Governors Circle, Houston, Texas 77092 and/or wherever an agent authorized to accept service of process may be found.

6. Defendant Republic Services Inc. d/b/a Republic Waste Services Group of Texas, Inc. is a company conducting business in Bexar County, Texas. Defendant may be served with process by serving its registered agent, CT Corporation System, who is located at 1999 Bryan Street, Ste. 900, Dallas, Texas 75201 and/or wherever an agent authorized to accept service of process may be found.

7. Defendant Republic Services of San Antonio LLC. is a Texas company conducting business in Bexar County, Texas. Defendant may be served with process by serving its registered agent, Robert M. Gauss Jr., who is located at 2123 W. Governors Circle, Houston, Texas 77092 and/or wherever an agent authorized to accept service of process may be found.

MISNOMER/MISIDENTIFICATION

8. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer" and/or such parties were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

JURISDICTION & VENUE

9. This court has personal jurisdiction, both specific and general, over Defendant because it does business in Texas. Additionally, Plaintiff's cause of action arose in Texas and Defendant is amenable to service by a Texas court. Venue is proper in Bexar County because the events and omissions giving rise to the Plaintiff's claims occurred in Bexar County, Texas. TEX. CIV. PRAC. & REM. CODE §15.002(a)(1).

10. Plaintiff has suffered damages in an amount within the jurisdictional limits of this Court. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff in good faith pleads the value of this case is over two hundred thousand dollars (\$200,000.00) but less than one million dollars (\$1,000,000.00). Plaintiff reserves the right to amend these amounts if a jury awards an amount in excess of one million dollars (\$1,000,000.00).

BRIEF FACTS

11. On or about January 12, 2019, Plaintiff was working near the “dumpster area” at the Alamo Dome in San Antonio, Texas. The area was under the control of the Defendants. In addition, the Defendants controlled the dumpster in the area. The Defendants knew and/or should have known that the dumpster was missing its “platform.” The Plaintiff was unaware that the Platform was missing and stepped in the area where the missing platform was supposed to be located. As a result of Defendants’ negligence, the Plaintiff fell about 4-5 feet to the ground and suffered severe injuries.

12. Plaintiff’s injuries were the result of Defendants’ breach of that duty and Plaintiff brings a common law negligence claim and premises liability case against Defendants.

RESPONDEAT SUPERIOR

13. Any employees of a Defendant involved in the incident made the basis of this suit, at all times described herein, were employees, agents, representative and/or vice-principals of said Defendant and were at all times acting in the course and scope of that employment. Accordingly, any negligence of any of Defendant’s employees that proximately caused or contributed to cause Plaintiff’s incident made the basis of this suit is attributable to said Defendant under the doctrine of respondeat superior.

PREMISES LIABILITY AGAINST ALL DEFENDANTS

14. While upon premises that were under Defendants’ control, Plaintiff suffered damages resulting in serious injury caused by a dangerous condition on the premises, which Defendants actually knew or, in the exercise of ordinary care, should have known existed.

15. Defendant controlled the area and the dumpster. Defendant, its agents, servants and employees negligently caused or negligently permitted such condition to exist and negligently failed to warn Plaintiff of the condition of the premises, despite the fact that Defendant, their agents, servants and employees actually knew, or in the exercise of ordinary care, should have known of the existence of the condition and that there was a likelihood of someone being injured as happened to Plaintiff.

16. Defendant, its agents, servants and employees had a duty to keep the premises in a reasonably safe manner, a duty to inspect the property for latent defects, a duty to make the premises safe for Plaintiff, duty to warn Plaintiff, and to use other ordinary care in maintaining safe premises. Defendant, its agents, servants and employees breached these duties by failing to keep the premises in a reasonably safe manner, failing to inspect the property for latent defects, failing to make the premises safe for Plaintiff, failing to warn Plaintiff and failing to use ordinary care to maintain safe premises.

DAMAGES

17. As a direct result of the occurrence, Plaintiff suffered bodily injuries. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, attention and other expenses and medical attention. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff, and the charges made and to be made were the usual and customary charges for such services. Plaintiff will require further medical care, including but not limited to surgery and attention and will necessarily incur reasonable expenses in the future for such medical needs. Plaintiff makes a claim herein for all past and future medical care.

18. As a further result of the occurrence, Plaintiff was prevented from working and has lost wage-earning capacity in the past and in the future. Plaintiff makes a claim herein for all past wages and future earning capacity.

19. Plaintiff was prevented from performing her household duties and will continue to be unable to perform her household duties in the future.

20. Plaintiff has suffered pain and suffering in the past. Plaintiff will continue to suffer pain and suffering in the future. Plaintiff makes a claim herein for all past and future pain and suffering.
21. Plaintiff has suffered mental pain and anguish in the past. Plaintiff will continue to suffer mental pain and anguish in the future. Plaintiff makes a claim herein for all past and future mental pain and anguish.
22. As a result of the injuries, Plaintiff has suffered and will continue to suffer impairment to her body. Plaintiff makes a claim herein for all past and future impairment to her body.
23. Plaintiff has suffered disfigurement.

CLAIM FOR PUNITIVE DAMAGES

24. Plaintiff is entitled to punitive damages because of each Defendant's gross negligence. Defendant's acts or omissions, when viewed objectively from the standpoint of Defendant's at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others and of which each Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. Plaintiff is entitled to punitive damages in a sufficient amount to punish each Defendant for its reckless, heedless and intentional conduct and to set an example for others that such conduct will not be tolerated.

JURY DEMAND

25. Plaintiff respectfully requests a trial by jury of the issues in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendants be cited to appear and answer, and that upon final trial, Plaintiff have judgment against Defendants for all relief requested, for pre-judgment interest, post judgment interest, for costs of this suit, punitive damages and for such other and further relief, general and special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

GARZA AGUIRRE, PLLC
118 E. Ashby
San Antonio, Texas 78212
214.225.0407 t
210.568.4827 f

/s/ Josue F. Garza

JOSUE GARZA
Texas Bar No. 24072737
josue@jgarzalaw.com

ATTORNEYS FOR PLAINTIFF

PRIVATE PROCESS

Case Number: 2020-CI-24885



2020CI24885 S08002

OSCAR SILVA

VS.

REPUBLIC SERVICES INC ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
288th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS**CITATION****"THE STATE OF TEXAS"**Directed To: REPUBLIC SERVICES INC DBA REPUBLIC WASTE SERVICES GROUP OF
TEXAS INC

BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM

117 by CM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUEST FOR DISCLOSURES, AND JURY DEMAND, a default judgment may be taken against you." Said ORIGINAL PETITION REQUEST FOR DISCLOSURES, AND JURY DEMAND was filed on the 31st day of December, 2020.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF JANUARY A.D., 2021.

JOSUE F GARZA
ATTORNEY FOR PLAINTIFF
118 E ASHBY PL
SAN ANTONIO, TX 78212-5834



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Alexandra Johnson, Deputy*

OSCAR SILVA
VS
REPUBLIC SERVICES INC ET AL

Officer's Return

Case Number: 2020-CI-24885
Court: 288th Judicial District Court

I received this CITATION on _____ at _____ o'clock ___ M. and: () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUEST FOR DISCLOSURES, AND JURY DEMAND the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ___ M. at: _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

RETURN TO COURT (DK002)



COUNTY CLERK & DISTRICT CLERK
COURT RECORDS SEARCH

Case #2020CI24885

Name: OSCAR SILVA

Date Filed: 12/31/2020

Case Status: PENDING

Litigant Type: PLAINTIFF

Court: 288

Docket Type: OTHER CIVIL CASES

Business Name: 2020CI24885

Style: OSCAR SILVA

Style (2): vs REPUBLIC SERVICES INC ET AL

Case History

Currently viewing all records

Sequence	Date Filed	Description
S00003	1/5/2021	CITATION REPUBLIC SERVICES OF SAN ANTONIO LLC ISSUED: 1/5/2021
S00002	1/5/2021	CITATION REPUBLIC SERVICES INC ISSUED: 1/5/2021 RECEIVED: 1/7/2021 EXECUTED: 1/7/2021 RETURNED: 1/7/2021
S00001	1/5/2021	CITATION REPUBLIC SERVICES INC ISSUED: 1/5/2021
P00004	12/31/2020	LETTER TO DISTRICT CLERK FR: JOSUE F GARZA RE: COPIES PAID
P00003	12/31/2020	REQUEST FOR SERVICE AND PROCESS
P00002	12/31/2020	PETITION
P00001	12/31/2020	JURY FEE PAID